S.B. Civil Misc. Stay Application No.2359/2005
In
S.B. Civil Second Appeal No.491/2005

Smt. Hafiza W/o Abdul Mazid
...defendant-appellant
Versus
Abdul Karim S/o Shri Abdul Razaq
...plaintiff-respondent

Date of Order ::: 24.11.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Shri Shailesh Prakash Sharma, Counsel for defendant-appellant
Shri Parag Rastogi, Counsel for plaintiff-respondent
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By the Court:-

Heard learned counsel for both the parties on the stay application.

The interim stay order dated 30th of September, 2005 is confirmed subject to a condition that the appellant shall deposit the mesne profit awarded by the lower appellate court regularly in the lower court. The arrears of mesne profit may be deposited within a period of three months from today and will continue to deposit the mesne profit as per direction of the first appellate court by 15th day of each succeeding month.

It is made clear that in case the appellant does not deposit the monthly mesne profit for consecutive

two months or he fails to deposit the arrears of mesne profit within a period of three months from today, as directed above, then it will be open for the respondent to execute the decree passed in his favour.

The stay application accordingly stands disposed of.

(Narendra Kumar Jain) J.

//Jaiman//